

PROB 22
(Rev. 2/88)

TRANSFER OF JURISDICTION

DOCKET NUMBER (*Tran. Court*)
S1 04 CR 452-13 (RMB)DOCKET NUMBER (*Rec. Court*)
1:07cr040

NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE:	DISTRICT	DIVISION	
Robert Miller 330 West 4 th Street, #12 Cincinnati, OH 45202	SOUTHERN DISTRICT OF NEW YORK (NYC)		
	NAME OF SENTENCING JUDGE		
	Richard M. Berman		
	DATES OF PROBATION/SUPERVISED RELEASE:	FROM 8/1/06	TO 7/31/09

OFFENSE

Conspiracy to Traffic in Firearms Without a License, 18 USC 371, Class D Felony.

PART 1 - ORDER TRANSFERRING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE "SOUTHERN DISTRICT OF NEW YORK"

IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for the **District of Ohio** upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*

2/8/07

Date

Richard M. Berman

United States District Judge

*This sentence may be deleted in the discretion of the transferring Court.

PART 2 - ORDER ACCEPTING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE **District of Ohio**

IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.

Mar 14, 2007

Effective Date

Michael L. Bennett

United States District Judge

A TRUE COPY
J. MICHAEL McMAHON, CLERKBY J. Michael McMahon
DEPUTY CLERK

UNITED STATES GOVERNMENT

memorandum

DATE: March 20, 2007

FROM: Darla Huffman
United States Probation Officer

SUBJECT: MILLER, Robert
Request for a Transfer of Jurisdiction

TO: The Honorable Michael R. Barrett
United States District Judge

Enclosed the Court will find two copies of a Transfer of Jurisdiction Form (Probation Form 22) on behalf of Mr. Miller.

On June 27, 2005, Mr. Miller appeared before the Honorable Richard M. Berman, United States District Judge for the Southern District of New York and was sentenced to ten months imprisonment followed by three years supervised release after having been charged with Conspiracy to Traffic in Firearms without a License. As a condition of his supervised release, he was ordered by the Court to participate in substance abuse treatment as directed by the probation officer, pay a \$3,000.00 fine and a \$100.00 special assessment fee.

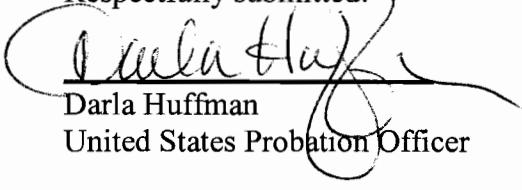
On June 27, 2006, Miller was released from the Bureau of Prisons to commence his term of supervised release. As Miller resides in Ohio, his supervision was transferred to the Southern District of Ohio in Cincinnati.

Since being released, Mr. Miller has been compliant. He has completed treatment, is paying toward his fine and all urinalysis have been negative. As a result, it has been requested that jurisdiction be transferred.

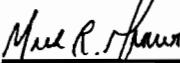
Based on the above information, it is respectfully recommended that the Court accept transfer of jurisdiction of Mr. Miller's supervised release. If Your Honor is in agreement with this recommendation, the Court need only sign the attached two copies for transfer of jurisdiction. Although the Court in New York signed the transfer of jurisdiction on February 8, 2007, this officer did not receive the document until March 19, 2007. A copy of Miller's Presentence Report and Judgment Entry is also provided for the Court.

If the Court should have any questions regarding this matter, this officer can be reached at 564-7550.

Respectfully submitted:


Darla Huffman
United States Probation Officer

Approved by:



Mark Grawe
United States Probation Officer

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

UNITED STATES OF AMERICA
v.

JUDGMENT IN A CRIMINAL CASE

Robert Miller

Case Number: 04 cr 452

USM Number: 03928-061

Donald Yannella
Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) one

RECEIVED

pleaded nolo contendere to count(s)
which was accepted by the court

JUL 21 2005

was found guilty on count(s)
after a plea of not guilty.

COMMUNITY CORRECTIONS
NEW YORK, NEW YORK

The defendant is adjudicated guilty of these offenses:

Title & Section
18 USC 371

Nature of Offense

Conspiracy to traffic in firearms

Offense Ended
5/2004

Count
one

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

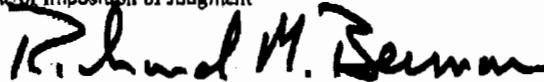
The defendant has been found not guilty on count(s)

Count(s) any open is X are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

June 27, 2005

Date of Imposition of Judgment



Signature of Judge

Richard M. Berman, United States District Court Judge

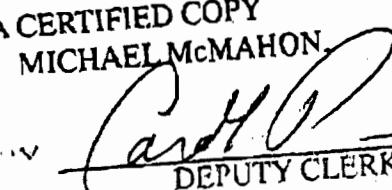
Name and Title of Judge

June 27, 2005

Date

A CERTIFIED COPY
J MICHAEL McMAHON,

CLERK


DEPUTY CLERK

DEFENDANT: Robert Miller
CASE NUMBER: 04 cr 452

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 10 months

The court makes the following recommendations to the Bureau of Prisons:

It is recommended that the defendant be placed in a facility near Cincinnati, Ohio and that the defendant be placed in a substance abuse program while incarcerated (if he qualifies).

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on September 6, 2005.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Robert Miller
CASE NUMBER: 04 cr 452

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 3 years

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and

- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Robert Miller

CASE NUMBER: 04 cr 452

ADDITIONAL SUPERVISED RELEASE TERMS

- 1- Defendant shall be supervised in his district of residence; and
- 2- Defendant shall report to probation within 72 hours of his release from custody.
- 3- Defendant shall participate in a program approved by the US Probation office for substance abuse, which program shall include testing to determine whether the defendant has reverted to the use of drugs or alcohol. The offender may be required to contribute to the costs of services rendered (copayment) in an amount to be determined by the probation officer, based on ability to pay or availability of third party payment.
- 4- Defendant shall participate in weekly therapeutic counseling by a licensed therapist. The defendant may be required to contribute to the costs of services rendered (copayment) in an amount to be determined by the probation officer, based on ability to pay or availability of third party payment.

DEFENDANT: Robert Miller
CASE NUMBER: 04 cr 452

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 3,000.00	\$ 0

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
TOTALS	\$ 0.00	\$ 0.00	\$ 0.00

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

- the interest requirement is waived for the fine restitution.
- the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Robert Miller
CASE NUMBER: 04 cr 452

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A Lump sum payment of \$ 100.00 due immediately, balance due
 not later than _____, or
 in accordance C, D, E, or F below; or

B Payment to begin immediately (may be combined with C, D, or F below); or

C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or

D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F Special instructions regarding the payment of criminal monetary penalties:

During the term of imprisonment, if the defendant is engaged in a BOP non-UNICOR work program, the defendant shall pay \$25 per quarter toward the criminal financial penalties. However, if the defendant participates in the BOP's UNICOR program as a grade 1 through 4, the defendant shall pay 50% of his monthly UNICOR earnings toward the criminal financial penalties, consistent with BOP regulations at 28 C.F.R. § 545.11. If any portion of the financial penalties remain unpaid at the time of defendant's release from prison, the remainder shall be paid during the term of the supervised release in equal monthly installments with any balance due prior to the expiration of the term of supervised release.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

The defendant shall pay the cost of prosecution.
 The defendant shall pay the following court cost(s):
 The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.